




POLICY FLASH 2011-36

DATE: February 3, 2011

TO: Procurement Directors

FROM: Director, Policy Division 
Office of Procurement and Assistance Policy
Office of Procurement and Assistance Management

SUBJECT: Federal Acquisition Circular 2005-49

SUMMARY: Federal Acquisition Circular (FAC) 2005-49 was issued January 24, 2011 in volume 76 FR 4188. It published one interim rule Federal Acquisition Regulation (FAR) case number 2010-016 on Public Access to Federal Awardee Performance and Integrity Information System. This rule is effective January 24, 2011. The summary of the FAC is attached.

Applicability --

- This rule applies to solicitations issued on or after January 24, 2011. Contracting officers are encouraged, to the extent feasible, to amend existing solicitations in accordance with FAR 1.108(d), in order to include the clause at FAR 52.209-9 in contracts to be awarded on or after January 24, 2011.
- Prior to April 15, 2011, contracting officers shall bilaterally modify existing contracts, including indefinite-delivery indefinite quantity contracts, that contain the clause 52.209-8, Updates of Information Regarding Responsibility Matters, if a six-month update will be due on or after April 15, 2011. The modification shall replace the clause 52.209-8 with a new clause 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters, Alternate I (JAN 2011). If the contracting officer is unable to negotiate this modification prior to April 15, 2011, the contracting officer shall obtain approval at least one level above the contracting officer to negotiate an alternate resolution.

Policy Flash 2011-18, dated November 8, 2010, issued a class deviation to commence incorporating the FAR clause 52.209-8, Updates of Information Regarding Responsibility Matters. With the publication of the interim FAR rule, this class deviation is hereby rescinded.

This Flash will be available online at the following website:

http://www.management.energy.gov/policy_guidance/policy_flashes.htm.

Questions concerning this policy flash should be directed to Barbara Binney at 202-287-1340 or barbara.binney@hq.doe.gov.

Attachment